

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

JOE THORNB�AD,

Civil No. 05-1753 (RHK/SRN)

Petitioner,

ORDER

v.

Commissioner of Human Services
KEVIN GOODNO,

Respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated August 22, 2005. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. The Report and Recommendation (Doc. No. 3) is **ADOPTED**;
2. Petitioner's application to proceed in forma pauperis (Doc. No. 2) is **DENIED**; and
3. This action is summarily **DISMISSED** pursuant to Rule 4 of The Rules Governing Section 2254 Cases.

Dated: September 13, 2005

s/Richard H. Kyle _____
RICHARD H. KYLE
United States District Judge